

Town of Walpole
Walpole Ma 02081
Attn: Zoning Board of Appeals
Sent via email to Amy Messier and Ashley Clark on January 4, 2021 at 8:42 PM

TO: Mr. Chairman, Zoning Board of Appeals
Zoning Board of Appeals Board Members
Ashley Clark, Director of Community and Economic Development

January 4, 2021 (ZBA meeting date January 6, 2021)

Ref: *Wall Street Development, Burns Avenue Development LLC*
Plan: Amended Site Development Plan A Comprehensive Permit M.G.L. c 40B "The Residences at Burns Avenue"
Walpole Massachusetts, dated April 21, 2020 revised May 21, 2020, revised October 22, 2020

In reference to the application for Comprehensive Permit under M.G.L. c.40B, *Wall Street Development, Burns Avenue Development LLC; Plan: Amended Site Development Plan A Comprehensive Permit M.G.L. c 40B "The Residences at Burns Avenue" Walpole Massachusetts, dated April 21, 2020 revised May 21, 2020, revised October 22, 2020*, we are submitting new information as well as referencing a prior submittal of November 15, 2020.

***The Applicant fails to meet the requirement, 'Massachusetts Department of Housing and Community Development, 40B, 760 CMR 56.03 (j) evidence of control of the site (usually a purchase and sale agreement or deed)'*.**

The ZBA shall consider that the Applicant has not shown ownership or evidence of site control of the project based on two (2) major issues:

*(a) Campbell private property, and (b) a gap of 20' X 15.11' as shown on the Applicant's plans **

** Both (a) and (b) were described in my letter of November 15, 2020 to the Zoning Board of Appeals; contained herein.*

New information regarding legal ownership and site control:

In a letter dated February 3, 2020, to Clarence Campbell, Cathy J and Christopher Campbell, the applicant's attorney states all parties must mutually agree to a solution that would allow the Applicant use of said properties. This letter acknowledges that the Applicant does not have legal ownership nor right to use the Campbell private property. This same letter was sent to Judith and Jack Conroy as outlined in Jack's letter dated December 4, 2020 submitted to the ZBA. Site control has not been proven.

On page one, paragraph four, Mr. Gordon Orloff, Rackemann Sawyer & Brewster, attorney for the applicant, writes..." It would be in the interest of all parties to avoid the substantial expenses of such a case. Therefore, this letter is to reach out to ask that you contact me to determine whether the parties can reach a mutually agreeable solution regarding Developer's use of the Private Way. In the event I do not receive a timely and satisfactory response from you within ten (10) days of receipt of this letter, my clients will have no choice but to commence an action seeking a court declaration of the parties' rights in the Private Way".

This letter acknowledges that the Applicant does not have legal ownership nor right to use the Campbell property, and therefore does not have site control on this project.

Respectfully,

Christopher Campbell

Cathy Campbell

Attachments outlined on page 2

Attachments

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| A. November 15, 2020 submission to the ZBA | Cathy and Christopher Campbell |
| B. Mark McDonnell to Clarence Campbell
Clarence Campbell | Book 3109 pages 109-112 dated 8/22/1952
Deed 26950 |
| C. Plan of Land 31 & 35 Burns Avenue 10/5/2018 | Plan book 680 page 98 dated 3 /29/2019 |
| D. Memo from Town of Walpole, MA (Town Council) A. Clark | November 25, 2019 |
| E. Letter of February 3, 2020 to Clarence Campbell | Attorney Gordon M Orloff,
Rackemann Sawyer & Brewster |
| F. Letter of February 3, 2020 to Cathy J and Christopher Campbell | Attorney Gordon M Orloff,
Rackemann Sawyer & Brewster |